

CAT

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI**

**O.A. No.** 1838/92  
**T.A. No.**

199

(19)

**DATE OF DECISION** 21.1.98

<u>Sh. Jaswinder Singh Gill &amp; Ors</u>	<b>Petitioner</b>
<u>None FOR the Applicants</u>	<b>Advocate for the Petitioner(s)</b>
<b>Versus</b>	
<u>UOI &amp; Ors</u>	<b>Respondent</b>
<u>Sh. R. V. Sinha</u>	<b>Advocate for the Responde</b>

**CORAM**

**The Hon'ble Shri S.R. Adige, Vice Chairman(A)**

**The Hon'ble Smt. Lakshmi Swaminathan, Member(J)**

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal

*S.R. Adige*  
( S.R. Adige )  
Vice Chairman(A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA No 1838/92

New Delhi this the 21th day of January, 1998

Hon'ble Sh.S.R.Adige, Vice Chairman(A)  
Hon'ble Smt.Lakshmi Swaminathan, Member(J)

In the matter of

1. Sh. Jaswinder Singh Gill S/O Sardar  
Gurcharan Singh Gill  
R/O Vill. Malia, P.O. Taran Taran,  
Distt. Amritsar (Pb)

2. Sh. Gurmeet Singh Brar,  
S/O Sh. Ganga Singh Brar,  
H.No. 93, Block-F, Srikanpur,  
Distt. Ganga Nagar (Raj.)

3. Sh. Surinder Singh  
S/O Sh. Tej Pal Singh,  
R/O Sahib Bhagat Singh Colony,  
Balachaur, Distt. Hoshiarpur (Pb.)

..Applicants

(None for the applicants)

Vs

1. Union of India through  
its Secretary,  
Ministry of Home Affairs, New Delhi-1

2. Director General, Intelligence Bureau,  
North Block, Central Secretariat,  
New Delhi

3. Sh. Vibhakar Sharma, Asstt. Director (IB),  
Ministry of Home Affairs, North Block,  
New Delhi.

4. Sh. Akshy Kumar, JAD (Operations),  
Intelligence Bureau, M/O Home Affairs,  
North Block, New Delhi.

..Respondents

(By Advocate Shri R.V. Sinha)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A))

Applicants have impugned the respondents orders dated  
6.3.92, 16.3.92 and 11.6.92 terminating their services under  
Rule 5(1) of the Central Civil Services (Temporary Services)  
Rules, 1965.

2. Applicants were appointed as ACIOs Grade-II under



I.B. and joined in June, 1990. They allege that by the impugned orders their services have been terminated illegally, arbitrarily and with ulterior motives, without assigning any reasons. They allege that they have been discriminated against because they happen to belong to a particular community, as their juniors have been retained, and the impugned orders are punitive in character.

3. This case had been heard in part on 3.12.97, ~~and~~ in presence of both parties, <sup>and</sup> after 3 adjournments, today was the date fixed for conclusion of hearing. Respondents had also been called upon to keep available the relevant departmental records regarding to the removal of the applicants under Rule 5(1). However, none appeared for the applicants, even on the second call. We have heard respondents counsel, Shri Sinha and have also perused the relevant departmental records as well as the applicants ACRs.

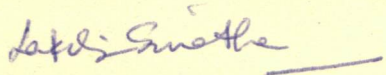
4. The impugned orders are orders of discharge simpliciter and cast no stigma upon the applicants. No reasons were required to be given in such an order. The respondents have also pointed out correctly that there is no violation of Article 311(2) of the Constitution, as services of applicants have been terminated under provision of the Rules applicable to them, namely, the CCS(Temporary Services) Rules, 1965, applicants being purely temporary at the time they were disengaged from service. After perusing the records, we have also

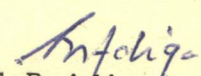


(27)

satisfied ourselves that the services of the applicants were terminated, after respondents had made an overall assessment of their performance during the period they remained engaged, and not by way of punishment or because they belonged to a particular community.

6 Under the circumstances we see nothing illegal, arbitrary discriminatory or malafide in the impugned orders which warrants our judicial interference. The OA is dismissed. No costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(S.R. Adige)  
Vice Chairman(A)